

1907-016
Lee Co.

Chancery Causes: John B. Williams & vs. Orlena McLain &

Sprinkle, Clapp, Wise, Turner, Young, McLane

CA-Estate Dispute
T-Property

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

Humbly complaining your orator and oratrices J. B. Williams, Martha Sprinkle and M. C. Sprinkle her husband, Barthena Clapp and L. H. Clapp her husband, Alpha Mise and J. S. Mise her husband, John Williams, Jr., Nora Turner and _____ Turner her husband will respectfully show unto your honor that one A. C. Williams departed this life intestate about the year 1902, - Seized and possessed at the time of his death of a small personal estate and a tract of land situated about one mile north-east of the town of Jonesville containing about 55 acres, that the said decedent left surviving him a widow, Jane Williams, and the following children and grand-children his heirs at law to-wit, John B. Williams, Orlena who intermarried with A.A. McLane, Martha who intermarried with Mitchel C. Sprinkle, Barthena who intermarried with L. H. Clapp, Alpha who intermarried with J. S. Mise, Claudia Younger nee Williams, Marion Williams children and heirs at law of Newton Williams a son of the said A. C. Williams and who died prior to his father, John Williams Jr. Charles Williams, Nora Turner nee Williams, Flossie Williams and Albert Williams children and heirs at law of Martin Williams another son of A. C. Williams and who died prior to the death of his father to whom said lands descended.

Plaintiffs will now show your honor that the said Jane Williams widow of said A. C. Williams is now dead and said lands are now the property of the above named children and grand-children.

Plaintiffs will now further show your honor that said land is not reasonably susceptible of partition that it is only original^{ly} second class land and for the last several years it has been badly handled, is now in a run down condition.

Plaintiffs allege that it would be to the interest of all the parties to whom said land belongs to have it sold and the money divided between those entitled thereto instead of a partition of the land in kind, And in this connection may desire to state that they have been offered for said land by one C. S. Cox the sum of \$500.00 cash in hand. This sum they believe to be a reasonably fair price but perhaps said land might sell, if put upon auction, for a higher price, though they very much doubt it and under the circumstances plaintiffs are advised and they allege truly so that it would be to

the best interest to all the parties to sell the land for cash instead of on time. Mrs. Sprinkle, Claudia A. Young and Marion Williams are residents of the state of Ky. John Williams Jr. is the resident of the state of Ohio, Charles Williams, Mora Turner, Flossie & Albert Williams are residents of the state of Ky. John E. Williams is a resident of the state of Mo. and as the fund that will arise for the sale of said land is likely to be so small that great trouble will result from the sale of said land on a credit of installment to be paid at different times.

Plaintiffs will further show your honor that Claudia X. Young, Marion Williams, Flossie Williams & Albert Williams are infants under the age of 21 years.

Now the object of this bill is to have said lands partitioned or sold and the money partitioned among those entitled thereto and being without remedy at law they pray your honors court of Chancery to take cognizance of their cause and grant them the proper relief and to this end they pray that Orlena McLane and A. A. McLane her husband, Claudia A. Young, William Young her husband, Marion Williams, Flossie Williams, and Albert Williams be made parties defendant to this bill and that the adults defendants be required to answer the same but they need not answer under oath that being expressly waived, that a guardian ad litem be appointed to answer for the infants defendants and that upon a final hearing said lands be sold for petition and the money arising therefrom be partitioned among those entitled thereto and for full and complete relief both special and general.

C. J. Duncan p.g.

John B. Williams et al
vs. Bill in Chancery
Orlana McLain et al

Filed January 31, 1909.
H. O. D. Evans, Clk

1907 1st Delib Rules

Bill filed for
execution in

G.A.R. filed +

D.N.

2nd Delib Rules

D.N. confirmed +
cause set for hear-
ing.

Costs:
Clerk \$3.86
Tax 1.50
Atty 25.00 Per Diem
G.A.R. 5.00
Shff. 1.00
Estimated 38.86

To the Honorable H.A.W. Skeen, Judge of the Circuit Court of
Lee County, Virginia:

The answer of Claudia Young, Marion Williams, Flossie Williams and Albert Williams, infants under the age of twenty-one years, by George P. Cridlin their guardian ad litem, assigned to defend them in this suit, to a bill of complain exhibited against them and others in this Honorable Court by John B. Williams et al.

Respondents reserving to themselves the benefit of all just exceptions to said bill, for answer thereto, or to so much thereof as they are advised it is material or necessary that they should answer the same, by their said guardian ad litem, they answer and say:

That they are infants of tender years, and by reason of their said infancy, are incapable of understanding or of taking care of their rights and interests. They therefore, by the said guardian ad litem, commend themselves and their rights and interests to the protection of the Court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

Geo. P. Cridlin
Guardian ad litem for Claudia Young
and Marion, Flossie and Albert
Williams.

Sworn to before me by Geo. P. Cridlin, Guardian ad litem &c. this
the 31st day of January, 1907.

H. C. P. Ewing Clerk.

John B. Williams et al
vs. { In Chy.

Olivia McLair et al

Answer of G. A. L.

Filed January 31, 1907.

H. C. P. Ewing, Clerk

John B. Williams et al - - - - - Plaintiffs.

Vs.

In Chancery.

Orlena McLain et al - - - - - Defendants.

This cause came on this day to be heard upon the paper's formerly read therein and the report of final disbursements by Special Commissioner Geo. P. Cridlin, filed in the cause on the 30th day of November, 1907, and was argued by counsel:

On consideration of which, and there being no exceptions to said report, it is adjudged, ordered and decreed that said report and the disbursements therein reported, be, and the same are, hereby approved and confirmed.

And it appearing that there is nothing further to be done in the cause, the ~~same~~ is hereby stricken from the docket.

John B. Williams et al
vs. { In chq.

Orlana McLain et al

Final Decree

Entered in C.O.B.
8, page 340 ve

Enter this Decree

H A W Stone

Dec. 9, 1907.

John B. Williams et al - - - - - Plaintiff.

Vs.

Orlena McLain et al - - - - - Defenadnt.

This cause came on this day to be heard upon the papers fore-
merly read therein, the report of Commissioner C.T.Duncan,^{Filed Sept. 16, 1907} and deed
therewith, and the report of Special Commissioner Geo.P.Cridlin of
disbursements files on the 12th day of September, 1907, and was ar-
gued by counsel:

On consideration of all of which and there being no exception
to said reports of said Commissioners or either of them, it is ad-
judged, ordered and decreed that the report of Special Commissioner
C.T.Duncan, and the deed therewith conveying the real estate sold
in this cause to Silas Garrett, be and the same are approved and
confirmed, and the said Silas Garrett shall pay to said Commissioner
Duncan the sum of \$5.00 for making and acknowledging said deed, for
which fee execution may issue if desired, and upon the payment of
said fee the Clerk of this Court shall allow said Garrett to with-
draw said deed from the file in the cause; and it is further ad-
judged ordered and decreed that the report of said Geo.P.Cridlin,
Special Commissioner showing disbursement of all the funds in his
hands going to the adult heirs of A.C.Williams, deceased, be and
the same is hereby approved and confirmed; and it appearing to the
Court from the said report of Commissioner Cridlin, that there is
still in his hands the sum of \$50.55 going to Claudia Young, the
sum of \$50.55 going to Marion Williams, the sum of \$20.22 going to
Flossie Sutton, nee Williams, and the sum of \$20.22 going to Albert
Williams, and that each of said four heirs are infants under the
age of twenty-one years, and it further appearing to the Court
that said four infants have no legal guardian, and that they are
each of sufficient age and discretion to use the funds going to
them respectively, judiciously, it is therefore adjudged, ordered
and decreed that the said Geo.P.Cridlin, Special Commissioner,
shall pay out directly to the said Claudia Young, Marion Williams,
Flossie Sutton, nee Williams, and Albert Williams the fund going
to them respectively, taking their receipts therefor, and he will
report his action to Court till the coming in of which report this cause

continued

John B. Williams et al
vs. { In Chy.

Orlana McLain et al

Entered in C.O.B.
#8, Page 313

Enter this Decree
Sept. 17, 1907.
H. C. W. Oliver

John B. Williams and others.

Plaintiffs.

Vs.

In Chancery.

Orlena McLain et al.

Defadant.

This cause came on this day to be heard upon the papers formerly read and the report of Geo. P. Cridlin, special commissioner, filed April 23rd, 1907, reporting a sale, pursuant to a former decree in this cause, of the lands owned by A. C. Williams, deceased at the time of his death, to C. S. Cox at the price of \$771.00, and was argued by counsel.

On consideration of all which and there being no exceptions to said report of sale, it is adjudged ordered and decreed that said report of sale be, and the same is hereby approved and confirmed; and the said Commissioner Geo. P. Cridlin, is hereby directed to pay the cost of this suit out of the funds in his hands, including the sum of \$25.00 to C. T. Duncan as attorneys fee, the court being of the opinion that said sum is a reasonable fee for his services in this cause; after the disbursements of which cost and attorney's fee, said commissioner will proceed to pay out the remainder of said funds in his hands to the parties shown to be entitled thereto by the bill in this cause, and he will report his action to the next term of the court.

And it appearing to the Court by statement of counsel that the said purchaser C. S. Cox has sold said land to Silas Garrett and desires that a commissioner be appointed to make conveyance of said land to said Garrett, it is therefore further adjudged, ordered and decreed that C. T. Duncan who is hereby appointed a special commissioner for the purpose, will execute and acknowledge a deed with covenants of special warranty, conveying said land to said Garrett, in which deed the said C. S. Cox and wife may join, which deed when properly executed and acknowledged shall be reported to the court at some future day of this term until which time this cause is continued.

John B. Williams et al
vs { In Chy.

Olivia McLain et al

Deceit No. 2.

Entered in C.O.B.
#8, page 282

Enter this Deceit
May 21, 1907.
J. H. [unclear]

John B Williams & al.

vs-

Orleana McLean & others

This cause came on this day to
be heard upon the bill of the complainant
The answer of the several defendants
by George P. Birdlin Their guardian
ad litem and was argued by counsel
And it appearing to the Court that
process has been duly served upon
the adult defendants for more
than 15 days before this date and
that each of them have failed to
appear, answer to or answer said
bill it is taken as confessed as to
each of them. On consideration
whereof the Court is of opinion that the
land in the bill mentioned is not sus-
ceptible of partition, without injury to
the rights of the Coparceners and that
the rights of all the parties in inter-
est will be promoted by a sale of said
land. In consideration of all which
it is adjudged, ordered and decreed, that
Geo P. Birdlin who is hereby appointed
a Commissioner for the purpose do
proceed to sell the tract of land of which

A. C. Williams died seized to the
highest bidder for cash in hand,
Before doing so he will execute bond
before the clerk of this court in the
sum of \$1000.00 conditioned to faithfully
account for all sums received
by him, Before proceeding to sell, said
Commissioner will advertise the time
terms and place of sale for 30 days
before day of sale, at three or more
public places in said county, one
of which shall be on the Court House
door of said county. He will report
his action hereunder to a future
term of this court and the case
is continued.

771.00

John B. Williams

vs. J. B. Williams

Case No. 1

Entered in C.R.

#8, page 263 re-

Enter the same

H. A. Williams

May 20th 1907

L-A-N-D S-A-L-E !

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JOHN B. WILLIAMS ET AL - - - - - Plaintiffs

Vs. In Chancery.

ORLENA McLAIN ET AL - - - - - Defendants.

Pursuant to a decree rendered by the Circuit Court of Lee County, Virginia, at the February term, 1907, in the above styled cause, the undersigned will, at public outcry, at the front door of the Courthouse of said County, on the 15th day of APRIL, 1907, proceed to sell, to the highest and best bidder, for cash in hand the following described property, to-wit:

All that certain tract or parcel of land, lying and being about one mile Northeast of the Town of Jonesville, Virginia, containing about 53 acres, and being the land of which the late A.C. Williams died seized and possessed, and upon which he resided at the time of his death, said sale to be made by the boundary and not by the acre.

For a more particular description of said land reference is here made to the title papers of the said A.C. Williams.

This the 4th day of March, 1907.

Geo. P. Cridline
Special Commissioner.

The bond required by the decree in the above styled cause has been given by the Special Commissioner.

H. C. Ewing Clerk.

JOHN B. WILLIAMS ET AL - - - - - Plaintiffs.

Vs.

ORLENA McLAIN ET AL - - - - - Defendants.

To the Honorable H.A.W. Skeen, Judge of the Circuit Court of
Lee County, Virginia:

Your undersigned, Special Commissioner who was, by a decree entered in the above styled cause on the 20th day of February, 1907, appointed a Commissioner for the purpose and directed to make sale of the lands owned by A. C. Williams, deceased, at the time of his death, begs leave to report, that, pursuant to the terms of said decree, after having given due notice of said sale as required by said decree, a copy of which notice is hereto attached as a part hereof, and after having executed bond as required by said decree, he proceeded on the 15th day of April, 1907, to offer for sale, at the front door of the Courthouse of Lee County, ^{at public outcry} to the highest and best bidder, for cash in hand the tract of land, containing about 53 acres more or less, lying about one mile Northeast of the town of Jonesville, and being the same land owned by A. C. Williams, deceased at the time of his death, at which sale C. S. Cox became the last and highest bidder therefor at the price of Seven Hundred and Seventy One Dollars (\$771.00), and said land was knocked off to him at that price. Said purchaser complied with the terms of said sale by giving your Commissioner a check for the whole of the purchase money. Your Commissioner recommends that this sale be confirmed. There was a ^a large crowd present at said sale, a number of persons made bids on said land, and the price obtained is more than conservative men believe the land to be worth.

Respectfully submitted.

Geor. Cridlin
Special Commissioner.

John B. Williams et al
vs. { In Chy.

Orlana McLain et al

Filed April 23, 1907
H. C. T. Ewing,
Clerk.

John B. Williams et al - - - - - Plaintiff.

Vs. In Chancery.

Orlena McLain et al - - - - - Defendants.

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

Your undersigned Special Commissioner, who was by a decree entered in the above styled cause on the 21st day of May, 1907, directed to pay out the costs and disburse the residue of the funds in his hands arising from a sale of the real estate of A.C.Williams, deceased, begs leave to report that after having paid out the costs of said suit as the same was taxed by the Clerk to the parties entitled thereto, there was left in his hands for distribution among the heirs at law of the said A.C.Williams, the sum of \$707.70, and he has made the following disbursements thereof

1.	To John B. Williams	one full share of 1/7	\$101.10
2.	" Orlena McLain	" " " " "	101.10
3.	" Martha Sprinkle	" " " " "	101.10
4.	" Berthena Clapp	" " " " "	101.10
5.	" Alpha Mise	" " " " "	101.10
6.	" John W. Williams	one fifth of oneshare	20.22
	" Charles Williams	" " " " "	20.22
	" Nora Turner	" " " " "	20.22

Your Commissioner has taken receipt from the respective parties for the amounts paid to them. This is disbursement of all the fund except that of \$50.55 each to Claudia Young and Marion Williams, the infant children of Newton Williams, deceased, and \$20.22 each going to Albert Williams and Flossie ^{Marion Williams} ~~Sutton~~, two of the children of Martin Williams, deceased, these two being infants.

The said Claudia Young and Marion Williams live in the State of Texas and have no guardian. As your Commissioner is informed the said Claudia Young is 19 years of age, and has been married for something near four years, her brother ~~Marion~~ Williams lives with her and is about 18 years old. The said Marion is working for himself and making his own way. Your Commissioner is satisfied that the small sums going to said two children should be ordered to be paid to

them. The said Flossie Sutton, and her brother Albert Williams live at Middlesbor, Ky. The said Flossie has been married for about a year and is now over 17 years of age. The said Albert is about 19 years old, and has been working for himself and making his own way in the world for several years. Your Commissioner is satisfied that these children also, as they have no guardian should have the small fund going to them paid over to them personally. All four of said infants are of sufficient age to take care of themselves, and have been working for themselves for several years, and certainly have sufficient discretion to manage the small estate here going to them without the expense of having a guardian appointed for the purpose of receiving the money and holding it until they become of age. Your Commissioner therefore asks that the Court enter a decree directing him to pay the fund due these four infants in this cause to them personally taking their receipt for the same.

All of which is respectfully submitted.

Geo. P. Criddle
Special Commissioner.

John B. Williams et al
vs. { In Chy.

Orlana McLean et al

Cour's Report of Disbursement

Filed Sept. 12, 1907

H. C. Ewing, Clerk

JOHN B. WILLIAMS AND OTHERS ~~ET AL.~~-----

Vs.

ORLENA MCLANE AND OTHERS -----

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

By a decree entered in this cause at the last term of your honorable court, the undersigned was appointed a commissioner for the purpose and ~~directed~~ *directed* to convey to Silas Garrett the tract of land in the bill and proceedings mentioned, being the tract of land of which A. C. Williams died seized. It was further required by the terms of said decree that C. S. Cox who had bid off said tract of land in the Commissioners sale, together with his wife, should join in said conveyance. Your commissioner begs to inform the Court that he has performed the duty thus required of him, that he has prepared said deed, has duly executed and acknowledged the same, that C. S. Cox and wife, and W. S. Cox and wife have joined in said deed. The necessity for W. S. Cox joining in said deed is the fact that a very small parcel of said tract of land was sold by N. S. Cox, the father of C. S. & W. S. Cox, to A. C. Williams in the life time of said Cox and said Williams, but, had never been conveyed by Cox to said Williams.

Said deed is herewith filed as a part hereof marked exhibit "A".
All of which is respectfully submitted.

C. J. Duncan
Special Commissioner.

John B. Williams et al
vs. { In Chy.

Orlana McLain et al

Conr. Report of Aud

Filed Sept. 16, 1907.

H. C. D. Ewing, Clerk.

John B. Williams, et al - - - - - Plaintiffs,

Vs. In Chancery.

Orlena McLain et al - - - - - Defendants.

To the Honorable H.A.W. Skeen, Judge of the Circuit Court of
Lee County, Virginia:

Your undersigned Special Commissioner begs leave to report
that pursuant to your Honor's decree entered in the above styled
cause at the September term, 1907, he has proceeded to pay out to
the four infant defendants in this suit the money due to them as
follows, to-wit:

To	Claudia Young - - - - -	\$50.55
"	Marion Williams - - - - -	50.55
"	Flossie Sutton - - - - -	20.22
"	Albert Williams - - - - -	20.22

Your commissioner took the receipts of said infants for the
sum paid to each of them. This completes the disbursement of all
the funds in his hands as Special Commissioner in this cause, and
as there is nothing further to be done in the cause, the same is now
ready to be stricken from the docket.

Respectfully Submitted.

Geo. P. Cridlin

Special Commissioner.

John B. Williams et al
vs. { In chq.

Orlana M. Fair et al

Final Report of Disbursements

Filed Nov. 30, 1907

H. C. D. Ewing, Clerk.

J. R. Gibson & Sons,

General Merchandise,

DRY GOODS, MILLINERY, CLOTHING, AND
SHOES A SPECIALTY.

JONESVILLE AND PENNINGTON GAP, VA.

J. R. GIBSON

C. B. GIBSON

J. O. GIBSON

Jonesville, Va., -----190---

Mr. J. B. Williams.
3rd St. & Washington Ave.
Bridge Office #12. St Louis Mo.

Mr M O Sprinkle.
Greenville.
R. F. D. # 3 Texas.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Orlana McLain and A. A.
McLain, her husband, Claudia Young, nee Williams,
Marion Williams, Flossie Williams and Albert
Williams,

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on
the 1st Monday in February, 1907, to answer a bill in chancery exhibited against them
by John B. Williams, Martha Sprinkle and M. C.
Sprinkle, her husband, Barthena Clapp and L. S.
Clapp, her husband, Alpha Miss and J. B. Miss,
her husband, John Williams, Jr., Nora Turner and
Turner, her husband,
And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the 23rd
day of January, 1907, and 131st year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Geo. B. Williams, et al,

VS

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SUBPOENA
IN
CHANCERY.

Orlena McLain, et al,

Duncan, p. q

To

1st Felip

Rules.

Circuit

Court.

1907

Executed By Delivery
a true copy
of the
with Subpoena
to Orlena McLain

and a McLain

This the 24 day of Jan
C. E. Deming D.S. 1907